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XA-9997

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Takashi KOBAYASHI et al.

Appln. No.: 10/718,563

Group Art Unit: 2811

Filed: November 24, 2003

Examiner: T. Dickey

For: NONVOLATILE SEMICONDUCTOR MEMORY DEVICE AND
MANUFACTURING METHOD THEREOF

* * *

REQUEST TO VACATE OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

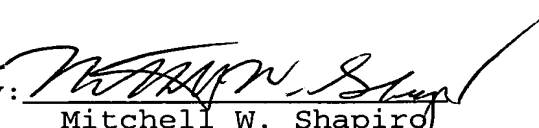
It is respectfully requested that the Office Action dated September 16, 2004 be vacated and that an action on the merits be given with respect to Claims 1-11. As Claims 12-16 were cancelled by the Preliminary Amendment dated November 24, 2003, there is no basis for the restriction requirement set forth in the Office Action.

Respectfully submitted,

MWS:lmb

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By:


Mitchell W. Shapiro
Reg. No. 31,568

October 5, 2004